

REMARKS

Claims 1-30 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Linberg, U.S. Patent No. 6,385,593 and as being unpatentable over Official Notice. The Applicant respectfully requests that the Examiner reconsider the rejections of claims 1-30.

With respect to the rejection of claims 1-30 as being unpatentable over Official Notice, the Applicant respectfully traverses the Examiner's assertions. Thus, it is respectfully requested that the Examiner supply proof to support his position.

With respect to the rejection of claims 1-30 over Linberg, it is respectfully asserted that Linberg does not teach or suggest at least one claim limitation. For example, independent claims 1 and 10 call for receiving an electronic indication of an inventory allocation, and completing a plurality of on-line sales transactions against the allocation. Linberg does not teach or suggest either or both of these limitations.

Linberg is directed toward medical devices 10 that are implanted in a patient. However, Linberg is silent as to how the devices 10 are delivered to a medical facility 260 and how changes are made to the number of devices 10 that the facility keeps on hand. *See Figures 7 and 9.* That is, aside from indicating that the manufacturer supplies the medical facility with the devices, Linberg does not teach or suggest a method of delivery. Column 17, lines 59-65. Thus, Linberg does not teach or suggest receiving an electronic indication of an inventory allocation.

Further, Linberg does not complete on-line sales transactions against the allocation. That is, devices are supplied to the medical facility where they are held until implantation. Clearly, this is not an on-line sales transaction of medical devices. Moreover, the billing of the medical facility 260 where the implant procedure occurred is not an on-line sales transaction against the inventory allocation. Figure 8. In other words, the invoice generated by the data center is for the sale of the medical device to the facility and not for an on-line sale against the devices at the hospital. Accordingly, it is respectfully submitted that Linberg does not teach or suggest completing a plurality of on-line sales against the allocation. For at least these reasons, claims 1, 10 and the claims depending therefrom are not obvious over Linberg.

As amended, independent claim 19 calls for a server that completes a plurality of on-line sales transactions against an electronic indication of an inventory allocation. As explained above, Linberg does not teach an electronic indication of an inventory allocation. Further, also explained above, neither the hospital nor the remote expert data center complete a plurality of on-line sales transactions against an electronic indication of an inventory allocation. Even more specifically, the hospital 260 is not indicated to have a server with an electronic indication of an inventory allocation. Thus, for at least these reasons, claim 19 and the claims dependent therefrom are not obvious over Linberg.

As amended, independent claim 23 calls for providing an electronic allocation of an inventory allocation to an on-line sales transaction service. Similarly, claims 26 and 29 call for providing an electronic indication of an inventory allocation to an on-line sales transaction service. As explained above, neither the hospital nor the remote expert data service receive an electronic indication of an inventory allocation. Thus, there is no teaching or suggestion of providing an electronic indication or allocation of an inventory allocation. Further, neither the hospital nor the remote expert data service are an on-line sales transaction service. Thus, for this additional reason, Linberg does not teach or suggest providing an electronic allocation or indication of an inventory allocation to an on-line sales transaction service.

As amended, claim 23 also calls for providing an on-line sales transaction service with an additional inventory allocation. Likewise, claim 26 as amended, calls for providing the on-line sales transaction service with additional inventory allocation in response to a request. Similarly, claim 29 calls for providing an additional inventory allocation to an on-line sales transaction service. As stated, neither the medical facility nor the remote data expert center is an on-line sales transaction service. Thus, Linberg does not teach or suggest providing an on-line sales transaction service with additional inventory allocation.

Further, even if the remote expert data center is wrongly construed to be an on-line sales transaction service, additional inventory is not provided to it. For example, the Examiner states that inventory control module 264 automatically generates an inventory request to provide additional inventory. See Paper 18, page 2. By implication, the Examiner agrees that the

medical facility, which is remote from the inventory control module, does not do the requesting. See Figure 7, column 14, lines 38-44 and 59-65. As mentioned, the medical facility and not the remote expert data center receives medical devices from the manufacturer. Column 17, lines 59-64. Thus, even if wrongly construed Linberg does not teach or suggest providing an on-line sales transaction service with additional inventory allocation in response to the request. Accordingly, Linberg does not teach all of the limitations of claims 23, 26, and 29. For at least reasons above, it is respectfully submitted that claims 23, 26 and 29 and the claims dependent therefrom are not obvious over Linberg.

The Examiner states that Linberg's replenishment is deemed dynamic. Further, a plurality of sales to trigger the replenishment of inventory is deemed to be an obvious variant of on-line purchasing to one of ordinary skill in the art. To the extent to which these deemings are Official Notice, the Applicant respectfully traverses these assertions and requests proof thereof.

For the reasons explained above, the Applicant respectfully requests that the rejection of claims 1-30 be withdrawn and that the Examiner pass the application to issue.

The Commissioner is authorized to charge any additional fees or credit any overpayment to Deposit Account No. 20-1504 (ITL.0365US).

Respectfully submitted,



Rhonda L. Sheldon
Registration No. 50,457
TROP, PRUNER & HU, P.C.
8554 Katy Freeway, Suite 100
Houston, Texas 77024
(713) 468-8880 [Phone]
(713) 468-8883 [Fax]

Date: July 8, 2003

